

REMARKS

The Section 102 Rejections

Claims 1-8, 11-13, 15-29 and 32-41 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,442,169 to Lewis ("Lewis"). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Each of the claims of the present invention requires either non-IP based voice traffic type or a "first" traffic type to be directed to an end office/destination network element.

In contrast, Lewis discloses a system where voice traffic is not directed to an end office. Rather, as disclosed throughout Lewis, the destination end office 108 is bypassed by Lewis' open architecture platform 402. In particular, Lewis shows a trunk 410 for delivering voice traffic to a called party 110 thereby bypassing end office (EO) 108.

In contrast, the present invention is not directed at a method of bypassing an EO. Instead, the present invention is directed at off loading data traffic from an end office. Non-IP voice traffic, however, is directed to an end office instead of being bypassed as in the case in Lewis.

Because Lewis does not disclose each and every element of the present invention, Lewis cannot anticipate the claims of the present invention.

Applicant notes that original claims 11 and 32 were directed at devices which consisted of an end office, and, therefore, the addition of this feature to

each of the claims does not require additional search or consideration by the Examiner.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-8, 11-13, 15-29 and 32-41.

The Section 103 Rejections

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of U.S. Patent No. 6,292,463 to Burns et al. ("Burns"). Applicant respectfully disagrees and traverses this rejection for at least the following reasons.

Initially, Applicant notes that claim 14 is dependent upon claim 1 and is therefore patentable over a combination of Lewis and Burns because Burns does not make up for the deficiencies of Lewis as discussed above.

In addition, Applicant notes the admission by the Examiner that Lewis does not disclose or suggest the subject matter of claim 14 which is, namely, directed at a connection to a remote access server which may be selected from the group consisting of a switched connection and a soft, Permanent Virtual Circuit connection.

Claims 9, 30 and 31 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of an article by U. Black entitled, "ATM Foundation for Broadband Networks" ("Black"). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Again, Applicant initially notes that claims 9, 30 and 31 are dependent upon independent claims 1 and 19 and are therefore patentable over the combination of Lewis and Black for the reasons set forth above because Black does not make up for the deficiencies of Lewis discussed above.

In addition, Applicant notes the admission of the Examiner that Lewis does not disclose or suggest the use of Q.931 signaling. Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 9, 30 and 31.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 U.S.C. §1.116 because the Amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues regarding further search and/or considerations; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

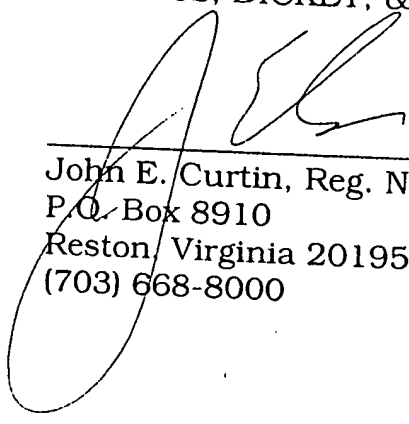
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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